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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

BROOK NEF, and NEF FLYING)
SERVICE, INC., an Idaho corporation,)
)
Plaintiffs,)
)
v.)
)
ENGINE COMPONENTS, INC., a)
foreign corporation; TULSA AIRCRAFT)
ENGINES, INC., a foreign corporation;)
AIRCRAFT CYLINDERS OF AMERICA,)
INC., a foreign corporation,)
)
Defendants.)
_____)

Case No. CIV-04-0362-E-BLW

FIRST AFFIDAVIT
OF BROOK NEF

STATE OF IDAHO)
) ss.
County of Bonneville)

BROOK NEF, being first duly sworn upon oath, deposes and states as follows:

1. I am an adult, am competent to testify as a witness and the matters attested to herein are within my own personal knowledge.

1 - FIRST AFFIDAVIT OF BROOK NEF

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2. This affidavit is given in support of plaintiffs' Motion to Stay or Defer Ruling on Aircraft Cylinders of America, Inc.'s Motion to Dismiss for Lack of Personal Jurisdiction and for Order Allowing Jurisdictional Discovery, and in opposition to defendant Aircraft Cylinders of America, Inc.'s motion to dismiss.

3. I reviewed the Complaint and Demand for Jury Trial filed by my counsel in the above matter prior to its filing and have reviewed it since, and verify that to the best of my knowledge the allegations contained therein are true and accurate.

4. One of my contentions and that of Nef Flying Service, Inc. is that all of the defendants committed a tortious act within the State of Idaho because damage was suffered by Nef Flying Service, Inc. and me when the acts of the defendants caused the airplane I was flying to crash as stated in the complaint.

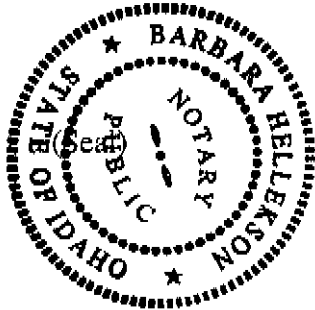
5. When I dealt with Tulsa Aircraft Engines, Inc. concerning the airplane engine mentioned in the complaint, it was clear to everyone involved in the transaction that the engine would be part of an airplane used in an agricultural aerial crop spraying business in the State of Idaho.

6. As a result of the airplane crash described in my complaint, Nef Flying Service, Inc. has lost its crop spraying business and I am no longer flying as a crop duster. While I do have other employment, it would be an extreme financial hardship on my family if I was forced to prosecute this lawsuit outside the State of Idaho. Also, because I work for someone else now, my schedule is not flexible and, even if I could afford to go to another jurisdiction to prosecute this lawsuit, it is unlikely that I would have the flexibility time-wise to do so because of my employment.

DATED this 21st day of September, 2004.

Brook Nef
Brook Nef

SUBSCRIBED AND SWORN to on oath before me this 21 day of September, 2004.



Barbara Helleson
Notary Public of Idaho
Residing at: Menan
My Commission Expires: 6/5/09

CERTIFICATE OF SERVICE

I hereby certify that I am a duly licensed attorney in the State of Idaho, resident of and with my office in Idaho Falls, Idaho; that on the 21st day of September, 2004, I caused a true and correct copy of the foregoing FIRST AFFIDAVIT OF BROOK NEF to be served upon the following persons at the addresses below their names either by depositing said document in the United States mail with the correct postage thereon or by hand delivering or by transmitting by facsimile as set forth below.

HOWARD D BURNETT
HAWLEY TROXELL ENNIS & HAWLEY
PO BOX 100
POCATELLO ID 83204
(Engine Components)

☒ Mail
☐ Hand Delivery
☐ Facsimile

MARK S GESTON
L JEFF SEVERSON
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101 S CAPITOL BLVD STE 1900
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(Tulsa Aircraft)

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THOMSEN STEPHENS LAW OFFICES, P.L.L.C.

By: _____

Alan C. Stephens, Esq.

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